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OFFICE OF PETITIONS

In re Patent No. 7,906,639 : DECISION ON REQUEST FOR
Issued: March 15, 2011 : RECONSIDERATION OF PATENT
Application No. 10/577,982 : TERM ADJUSTMENT AND
Filed: May 2, 2006 : NOTICE OF INTENT TO ISSUE
Atty Docket No. **06189/HG** : CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN AN ISSUED PATENT (37 C.F.R. § 1.705(d)),," filed March 23, 2011. Patentee requests that the patent term adjustment for the above-identified patent be set at 95 days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **95 days**.

On March 15, 2011, Application No. 10/577,982 matured into Patent No. 7,906,639. The instant request for reconsideration filed March 23, 2011, was timely filed within two (2) months of the date the patent issued. See 37 CFR 1.705(d). Patentee disputes the reduction of 120 days associated with the filing of a "miscellaneous incoming letter" received in the Office on August 23, 2010. Patentee asserts that the paper filed on August 23, 2010, was a Letter of Candor and Good Faith, and therefore, no reduction is warranted under 37 CFR 1.704(c)(10).

A review of the PALM calculations for this application reveals that the patent term adjustment was reduced by 120 days for the submission of the "miscellaneous incoming letter." See 37 CFR

1.704(c)(10). However, a review of the application record confirms that no paper aside from the Letter of Candor and Good Faith was filed after the mailing of the notice of allowance. A Letter of Candor and Good faith is not a paper for which its filing is considered a "failure to engage in reasonable efforts" within the meaning of 37 CFR 1.704(c)(10). Thus, it is concluded that the reduction of 120 days is not warranted.

In view thereof, the patent term adjustment indicated in the patent should be **95 days**.

The Office is in receipt of the \$200. 00 for the fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by ninety-five (95) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,906,639 B2

DATED : Mar. 15, 2011

INVENTOR(S) : Koizumi

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (0) days

Delete the phrase "by 0 days" and insert – by 95 days--